THE HON'BLE SRI JUSTICE GODA RAGHURAM

AND

THE HON'BLE SRI JUSTICE M. VENKATESWARA REDDY

W.P.No. 9592 of 2006

09-05-2006

Between:-

Nagajyothi

Petitioner

And

The Station House Officer, Venkatagiri Police Station, Nellore district and another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

And

THE HON'BLE SRI JUSTICE M. VENKATESWARA REDDY

W.P.No. 9592 of 2006

Oral order: (PER: The Hon'ble Sri. Justice Goda Raghuram)

The telegram dated 28-04-2006 alleges illegal detention of Mokkapati Sreenivasulu s/o late Eswaraiah by the police of

Venkatagiri Police Station since 28-04-2006.

The Sub-Inspector of Police, Venkatagiri Police Station has filed counter denying that M. Sreenivasulu has been detained either on 28-04-2006 or any subsequent date. It is also stated that he is not wanted in any case pending with the first respondent- Police Station.

From the counter affidavit, it appears that M. Sreenivasulu's father-in-law one Gollapalli Balaiah is the 8th accused in P.R.C.No. 42 of 2005 on the file of learned Judicial First Class Magistrate, Venkatagiri under Sections 306, 143 read with 109 IPC of Venkatagiri Police Station. Gollapalli Balaiah's brother by name Gollapalli Madhavaiah is the 1st accused in the said case. Both were absconding since the registration of Crime No. 16 of 2005 on 20-01-2005. Non-Bailable Warrants were issued against these accused by the Judicial First Class Magistrate, Venkatagiri and forwarded to the 1st respondent-Police Station for execution. In connection with the Non-Bailable warrants issued as above, the police constable of the 1st respondent-Police Station visited the house of the alleged detenu,

since it was learnt that these accused were staying with him and on 28-04-2006 the 1st accused-Madhavaiah was apprehended, produced before the learned Magistrate and remanded to the judicial custody. To pre-empt the execution of the Non-Bailable warrants issued against A.1 and A.8 in P.R.C.No. 42 of 2005, the writ petition is filed, is the allegation.

In view of the categorical denial as to the detention of Mokkapati Sreenivasulu in the counter affidavit of the 1st respondent, the writ petition is dismissed. No costs.

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GODA RAGHURAM, J

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M. VENKATESWARA REDDY,J

Dated:09-05-2006

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